

**FILED** *CH*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

APR 30 2008 *aw*  
APR 30 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

LARRY MAURICE BANKS,

Petitioner-Plaintiff,

v.

DR. ABRAHAM SUPERINTENDENT OF  
ELGIN MENTAL HEALTH CENTER

Respondent-Defendant.

08CV 2468

JUDGE HIBBLER

MAGISTRATE JUDGE MASON

Request for Evidentiary Hearing  
) 7<sup>th</sup> Amendment Jury Trial

)

**MOTION FOR WRIT OF HABEAS CORPUS**  
**PURSUANT TO 28 U.S.C. § 2241**

1. Name and Location of Court (pre-trial): Cook County Criminal Division 2600 S.

California Chicago, Illinois 60608.

2. Date of judgment of conviction: N/A (case is in pre-trial)

3. Offense of which petitioner was convicted (list all claims with indictment  
numbers, if known)N/A

4. Sentence imposed N/A

5. What was your plea: Not guilty

**Part III Petitioner's Claim**

State briefly every ground on which you claim that you are being held  
unlawfully. Summarize briefly the facts supporting each ground. You may attach  
additional pages stating additional grounds and support facts. If you fail to set

forth all grounds in this petition, you may be barred from presenting additional grounds later.

Before proceeding in the federal court, you must ordinarily first exhaust your state court remedies with respect to each ground for relief asserted.

**I. Ground one:**

**Violation of Due-process under the 14<sup>th</sup> Amendment**

1. On October 29, 2006, the petitioner was stopped on a traffic ticket which was four (4) in number; driving to left of center, operating MTR vehicle without insurance, failing to display driver license, lost/mislaid property theft and felony charge of was aggravated battery. The petitioner was held for two days without probable cause on the date of October 31, 2006. The petitioner was taken to Cook County branch 1. Judge Joseph Thomas Hennelly gave the petitioner a bond and charged the petitioner with one felony charge and four (4) traffic tickets.
2. On November 6, 2006 the petitioner had a preliminary hearing before Judge Adam Bourgeois located at Branch 48, 51 Wentworth who heard the petitioner's case under 06-m-114309201. The petitioner informed the court he was invoking his sixth amendment right to come pro se and the judge forced counsel on the petitioner. After the petitioner informed Judge Adam Bourgeois that appointed counsel was not his attorney, and he wanted to confront his

accuser, Judge Adam Bourgeois stated that petitioner made him mad and raised the petitioner's bond from 300,000 to 500,000 dollars for invoking the petitioner's sixth amendment right to precede pro se.

3. On the date of November 6, 2006, Judge Adam Bourgeois informed the petitioner that he had found probable-cause on 720 Ilcs 5/12-4(a) aggravated battery and sent the probable case to the cook county circuit court, criminal division. However after getting the preliminary transcripts from November 6, 2006 and the disposition from that date of November 6, 2006, the petitioner found out that the traffic tickets had been (nolle prosequi) dismissed and from the original police report and which was the probable-cause for police to arrest the petitioner. The felony complaint of aggravated battery in pursuant to 720 ILCS 5/12-4 (a) was also nolle prosequi.
4. The petitioner states that the nolle prosequi is not recorded on the (colloquy) transcript and counsel, which was forced on the petitioner, never informed the petitioner that the case was nolle prosequi in the proceedings of November 6, 2006, in Judge Adam Bourgeois' courtroom.
5. The petitioner states that appointed counsel was forced on the petitioner when the petitioner clearly informed the judicial official Judge Adam Bourgeois that the petitioner wished to proceed pro se.

**II. Ground two:**

**Violation of Fourth Amendment,  
Improper search and seizure**

On October 29, 2006, Chicago Police officers Lopez and Fuentes stopped the petitioner for driving to left of center and the report stated: In summary above was curbed for driving left of center, upon further investigation above failed to produce a valid drivers License, and above vehicle displayed temporary registration #9126326 reported stolen on October 2006, above place in custody given rights. AIO's conducted named check, via leads, and revealed an investigative alert #29991117 probable cause to arrest. Above brought to OOB district for processing inventory #1 OB51511B area1 Det. Segers #20116 notified court key of JOB Dec 06 BR 34-4

1. The petitioner states that on November 6, 2006 the traffic tickets were (nolle prosequi) dismissed by Judge Adam Bourgeois and the traffic tickets where the probable-cause for the petitioners arrest on October 29, 2006, but the two officers never wrote traffic tickets on the four (4) tickets; see police report dated October 31, 2006 and see disposition dated November 6, 2006.
2. The petitioner states that Judge Adam Bourgeois dismissed the probable cause and then found probable cause on the felony charge of aggravated battery for which there was no warrant for the petitioner's arrest only an investigative alert which had the petitioner's so-called name. The petitioner states their was no

arrest warrant and the investigative alert said the victim had identified the petitioner as the shooter, but on October 31, 2006, before the Honorable Joseph Thomas Hennelly, the victim had filed an affidavit of complaint against the defendant Larry Banks, but on November 6, 2006 the victim stated that he did not know the petitioner nor did he have problems, nor had he ever seen the petitioner before.

3. On December 6, 2006 the petitioner went to Bridgeview for Arraignment before Judge Victoria Stewart in courtroom 107. The petitioner went before the court and objected to the charges and went into an oral argument challenging his illegal detainment on the charges of 14 counts for attempted first degree murders and three possessions of a fire arm by a convicted felon and three UUW (unauthorized use of a weapon) and three aggravated battery which came from one original charge of aggravated battery.
4. The petitioner challenged the bare bones affidavit of complaint under the fourth amendment. The petitioner stated in the transcript date December 6, 2006 that the officer violated his fourth amendment right due to violation of illegal seizure of his person. The petitioner stated that the fourth amendment states that no warrant shall issue but upon probable cause supported by oath and affirmation describing the place to be searched and the person(s) to be seized.
5. The petitioner states that judge Victoria Stewart gave the petitioner a transfer of judge (soj) because of the petitioner's argument of an unlawful arrest.

6. The petitioner filed a writ of habeas corpus to the Supreme Court of Illinois, October 29, 2007 for the purpose of addressing the illegal detainment of his body in the Elgin Mental Health Center.

Petitioner states that the Illinois Supreme Court dismissed the writ of habeas corpus without an opinion; submitted is a copy of the writ of habeas corpus and a copy of the dismissal order.

The petitioner states that his fourth amendment right was violated by the two officers Lopez and Fuentis stopped the petitioner for a traffic ticket and illegally detained the petitioner without probable-cause and ran the petitioner's name and allegedly came up with an investigative alert, but before the running of the petitioner's name, the petitioner was detained and was not free to go. Petitioner states that Judge Adam Bourgeois dismissed the original probable-cause and incident to arrest.

Petitioner states the incident to arrest came from the traffic stop and those charges were (nolle prosequi) by Judge Adam Bourgeois, and with the probable cause being dismissed, the traffic tickets, the petitioner charge under 720 ILCS 5/12-4(a) aggravated battery must be dismissed, because probable cause came from the original stop. See police report from October 31, 2006. Due to the ex-parte proceeding the felony complaint was "nolle prosequi" which was aggravated battery 720 ILCS 5/12-4 (a)

The petitioner states that the fourth amendment is clear in its language which states: No warrant shall be issued but upon probable cause supported by oath and affirmation describing the place to be searched and the person(s) to be seized.

The petitioner states he was illegally detained and the seizure must be reviewed, because the court lost jurisdiction over the petitioner, because the affidavit was bare-bones and it has been clear that the United States Supreme court has addressed the issue of bare-bones affidavit in a clear language. That affidavit of this kind in the case of people of the state of Illinois vs. Larry Banks in case no: 06cr2566601 is unconstitutional and lacks constitutional minimal language.

### **III. Ground Three:**

#### **Violation of Sixth Amendment to proceed Pro'se**

1. The petitioner states that the constitution affords an individual the right to proceed pro se, but on November 6, 2006 Judge Adam Bourgeois denied the petitioner a fundamental right which the U.S.C. affords the individual. Judge Adam Bourgeois punished the petitioner for invoking such right, and stated that the petitioner's bond was going to be raised. Such punishment violates the doctrine of unconstitutional conditions. The judge appeared to be acting in bad faith, ill will and maliciousness by such violation. See transcript November 6, 2006

Petitioner states that Judge Adam Bourgeois forced the public defender on the petitioner and the public defender failed to secure the petitioner's rights which the constitution protects, such as the right to question the accuser(s) and the accuser's witnesses and to call witnesses on his own behalf to testify to his alibi at the time of the alleged crime.

The petitioner states the appointed attorney failed to ask the petitioner questions about his alibi or the crime and general, the petitioner was forced to be defended by an unwanted public defender.

4. The public defender failed to inform the petitioner that the case had been (nolle prosequi) on the date of November 6, 2006 in branch 48, see transcripts. The petitioner was unable to review the documents, to see the cause of action that the state prosecutor was charging the petitioner with.

5. The petitioner states that on November 6, 2006 the appointed public defender failed to protect the petitioner from misconduct on the unconstitutional actions of the state prosecutor and the judicial misconduct and unethical biasness of Judge Adam Bourgeois. See preliminary hearing transcripts November 6, 2006.

6. On December 6, 2006 the petitioner challenged the constitutionality of his arrest before the honorable Victoria Stewart. The petitioner challenged the "affidavit of complaint" because the complaint failed to meet minimal



constitutional standards under the fourth amendment. Petitioner's oral argument to Judge Victoria Stewart was that the petitioner wasn't charged with Fourteen (14) counts. On November 6, 2006 before Judge Adam Bourgeois, the affidavit of complaint from October 31, 2006 stated that the petitioner was charged with aggravated battery. Nevertheless, on November 6, 2006 Judge Adam Bourgeois and public defender Alexandria was informed that the petitioner wanted to proceed Pro'se, but Judge Adam Bourgeois forced the public defender Alexandria on the petitioner. The public defender waived the petitioner's right to challenge the bare-bones affidavit of complaint and allowed the state to amend the complaint. Also, the public defender failed to inform the petitioner of his amended charges and allowed this element of the records to go unheard, and the Judge Adam Bourgeois never gave the petitioner notice of his amended charges. At the time, the petitioner had in his possession the original "affidavit of complaint" which stated aggravated battery. The arresting officers stopped the petitioner for a traffic ticket and illegally detained the petitioner without probable cause. The petitioner was seized illegally, and the incident to arrest came from the four traffic tickets.

The four (4) traffic tickets were nolle prosequi by Judge Adam Bourgeois and this was done through and ex-parte proceeding which was held at branch 48 on November 6, 2006. The original charge of aggravated battery 720 ILCS 5/12-4 (a) was nolle prosequi also, but Judge Adam Bourgeois kept the defendant detained in Cook County with no probable cause.

8. These proceedings demonstrate bad-faith and ill-will of the forced public defender Alexandria in failing to secure the petitioner's fundamental rights which the constitution protects, such as the right to question the accuser(s) and the accuser's witnesses, to call witnesses on his own behalf to testify to his alibi at the time of the alleged crime, and to secure his equal protection of the law

The petitioner states that the traffic tickets were dismissed because there were no traffic tickets written on the petitioner and this shows that the arrest was illegal and the public defender failed to effectively represent the petitioner in the probable-cause hearing on November 6, 2006.

#### **IV. Ground Four:**

##### **Prosecutorial Misconduct**

On October 29, 2006 Officer Lopez and Fuentes charged the petitioner with four (4) traffic tickets and detained the petitioner for an investigative alert under # 299941117 which the investigative alert stated the accuser positively identified the petitioner as the shooter by pointing out the petitioner in an array of photos.

2. Petitioner states that the procedure is to get an arrest warrant for the petitioner, but after staying in the police station for 48 hours without probable cause the

petitioner was charged by way of a felony complaint form which the charge was aggravated battery

3. The petitioner states that on October 30, 2006 states attorney Mike Hogan filed the charge for probable-cause under case no:06-m-114309201 which the felony complaint states the statutory provision of aggravated battery
4. On October 31, 2006 the petitioner was transferred to cook county for a bond hearing in Branch 1 in front of the honorable Judge Joseph Thomas Hennelly which their was four(4) traffic tickets and the major charge was aggravated battery, and bail was set at three hundred thousand dollars 300,000 USD.
5. Probable cause was found on October 31, 2006 by the honorable Judge Joseph Thomas Hennelly and the only felony charge was aggravated battery. It was transferred to 51 Wentworth for a probable-cause hearing on the charge of aggravated battery.
6. On November 6, 2006 Judge Adam Bourgeois found probable-cause on Aggravated battery and it was brought to the petitioner's attention that the three traffic tickets were (nolle prosequi) dismissed on November 6, 2006, along with the felony charge. On November 14, 2006 the prosecutor at cook county criminal division went to the honorable Judge Paul P. Biebel with the charge of Aggravated battery that was nolle prosequi by Judge Adam Bourgeois on November 6, 2006. The petitioner states that he was sent to cook county for arraignment before the Honorable Paul P. Biebel, and on November 29, 2006 the states attorney presented information with fourteen (14) counts of which included four (4) attempt first degree murders and three (3) aggravated battery

and numerous other charges, but the disposition shows five counts total. Four traffic tickets and one felony charge which was aggravated battery. Due to the petitioner not receiving actual notice of his amended charges during the proceeding, the state has misused the proceeding and forced counsel allowing the petitioner's rights to be violated with a clear conscious that the petitioner's rights were being violated, and did nothing to assist in the defense of the petitioner's case.

8. The petitioner states that the prosecutor has violated the Illinois constitution of 1970, article 1 section 8 which states that a prosecutor can only bring charges by either a preliminary hearing or an indictment. On November 6, 2006 the petitioner had a probable cause hearing and probable-cause was found on a traffic ticket. The state failed to properly amend the charge or upgrade the charges to an attempted first degree murder on the colloquy (transcripts).

9. On November 29, 2006 the states attorney took the case to the honorable Judge Paul Biebel Jr. and he approved the charges when the petitioner wasn't given notice to the information with fourteen (14) new counts, where as the honorable Judge Adam Bourgeois on November 6, 2006 found the probable cause on aggravated battery.

10. The prosecutor has sworn to charges where there was no indictment but information which came from the original charge of a traffic ticket. See transcripts of November 6, 2006, also disposition of November 6, 2006.

11. The petitioner states that while a grand jury may properly return an indictment charging an offense differently from that which was found in a preliminary hearing, it must be a charge returned by that body and not as a result of prosecutorial misconduct.

12. Petitioner states that the prosecutor has violated the petitioner's right to due-process, and this has caused the petitioner to have to defend himself to information that is false, and there was no discovery in the pre-trial discovery which informs the petitioner to a proper defense.

13. The petitioner has shown that the prosecutor violated clearly established constitutional rights which the constitution of the United States guarantees to every citizen to be free from illegal detainment. See transcripts November 6, 2006 and the police report dated October 31, 2006 and the affidavit of complaint, which is now missing with the dead file of the "nolle Prosequi" date 11-06-06.

#### **V. Ground five:**

##### **Violation of Fifth Amendment Double Jeopardy Clause**

- 1) On the date of 11-6-06, Judge Adam Bourgeois had a ex-parte hearing where the charges of aggravated battery 720 ILCS 5/12-4(a) and three (3) traffic tickets were "nolle prosequi". As result of the ex-parte hearing, the defendant "Larry Maurice Banks" had no knowledge of the "nolle prosequi". Since Judge Adam Bourgeois found probable cause, the defendant was told probable-cause was found on 11-6-06. On the date of 11-6-06 Judge Adam Bourgeois "nolle prosequi" and the certified disposition from clerk Dorothy Brown indicates that the charges were nolle prosequi in the municipal court of Cook County.
- 2) Judge Bourgeois forced public defender "Candace Alexander" upon the

defendant and she failed to protect the defendant's constitutional right to equal protection of the law.

- 3) Never was the defendant informed of his charges in the municipal court in Branch 48,51 Wentworth
- 4) After being locked up for one year, the defendant called the clerk at Branch 48 located at 51 Wentworth and was informed to contact the clerk at 50 West Washington, Chicago, Illinois 60601 and pay for the disposition and order the Dead-file
- 5) The petitioner states that the charges were "nolled prosecui" and the records doesn't reflect the transcripts because of the ex-parte proceeding and the ex-parte communication. The attorney allowed the state prosecutor to violate the petitioner's due process rights and the double jeopardy clause. The double Jeopardy clause is a factor in the petitioner's case due to the adjudication of the proceedings in the favor of the defendant.
- 6) The petitioner states that the ex-parte communication was a conspiracy of silence in the court, due to the illegal detainment of the defendant. On 11-14-06 the prosecutor brought an information which had fourteen (14) counts of various charges
- 7) The petitioner's original affidavit of complaint was "nolle prosecui" and the prosecutor brought several other charges where there was no proceeding used to establish probable-cause; neither is there an indictment against the petitioner. The prosecutor has presented "information" which was under oath and affirmation and is still using the adjudication of aggravated battery 720 ILCS 5/12-4(a) and the three (3) traffic tickets.
- 8) The petitioner states the original affidavit and the dead-file has come up missing and the court clerk at 50 West, Washington cannot find the dead file
- 9) The petitioner states that the original charge was adjudicated in his favor due to the state's attorney failure to prosecute the petitioner on false charges.
- 10)The affidavit of complaint only states "aggravated battery".
- 11)The public defender "Candace Alexander" failed to protect her client's rights and allowed the court to proceed with an ex-parte proceeding.

- 12) Due to the public defender Candace Alexander "ineffective assistance" the charges were "nolle prosequi" and adjudicated in the petitioner's favor and the court records are missing and its not in the petitioner's preliminary hearing transcripts.
- 13) The certified and sealed disposition shows that the charges were "nolle prosequi" in the petitioner's favor because of the prosecutor's failure to prosecute the petitioner on the "affidavit of complaint",
- 14) The petitioner states that the charges of aggravated battery 720 ILCS 5/12-4(a) was "nolle prosequi" in the petitioner's favor and the prosecutor's failure to inform the petitioner of his "nolle prosequi" shows this forum that the municipal court had a hidden agenda in the cause. See preliminary hearing transcripts,
- 15) The petitioner states that the charges were adjudicated in a final disposition of the case under the charge of aggravated battery 720 ILCS 5/12-4(a) and three traffic tickets.
- 16) The petitioner states that due to his illegal detainment on the false charges which were insufficient in the nature were "nolle prosequi" in the petitioner's favor, and since the states attorney's failure to bring a "prima facia" showing of preliminary evidence to warrant probable-cause.
- 17) The prosecutor "nolle prosequi" the case and used the judicial system as a tool for malicious prosecution and now the defendant has to prepare a defense when the prosecutor "nolle prosequi" the proceedings. The preliminary hearing is not a trial in nature, but a hearing for probable cause which in language is a pre-requisite the matter and finding of the municipal court is binding on the records of the court.
- 18) The petitioner states that the proceeding was final because the records were sent to the clerk of records to be placed in the dead-files now they have come up missing because of the legal argument of the petitioner on the issues of double jeopardy
- 19) The petitioner has suffered at the hands of the state actors acting in bad-faith to the point of harassment and the prosecutor has violated

clearly established law.

**VI. Ground six:**

**Violation of the fundamental right of access to the courts**

The petitioner was incarcerated in cook county jail from October 31, 2006 until August 2, 2007 before being transferred to Elgin Mental Health Center. The petitioner asked Judge Wasilewski in the courtroom 109 for an order for reasonable access to a law library so that the petitioner may mount his defense and Judge Wasilewski denied the petitioner's request and stated that he wasn't going to grant the petitioner's fundamental right to access to the courts.

2. The petitioner objected to the charges before Judge Wasilewski on the date of December 29, 2006 and Judge Wasilewski stated that the petitioner couldn't make an oral argument before the court, but it had to be in writing.

3. The petitioner has been denied access to a constitutional acceptable law library or a constitutional acceptable alternative means for preparing legal documents at Elgin Mental Health Center. In fact Elgin Mental Health Center doesn't have a law library of any kind and therefore doesn't meet constitutional standards pertaining to prisoner's rights to access the courts.

4. Upon information and belief, the judge caused the petitioner to be sent to Elgin Mental Health center knowing that the center doesn't have access to a constitutionally acceptable law library. The purpose was for giving the petitioner no other choice other than complying to having the public defender represent him even though the petitioner stated that he wished to represent himself.



5. Judge Thomas Davy located in courtroom 109 Bridgeview Illinois denied the petitioner's motion for pre-trial discovery. The petitioner wished to have possession of discovery so that he could properly and effectively mount his defense, but he was denied such. In multiple court hearings, the petitioner requested to be given pre-trial discovery but every request was denied by the judge.'

6. On October 2, 2007 Judge William Lacy and states attorney had an ex-parte hearing where the petitioner filed a writ of habeas corpus and the writ of habeas corpus was denied by Judge William Lacy.

7. The petitioner has continued to file documents with the higher courts such as the supreme court of Illinois. The supreme court of Illinois denied the petitioner's writ of habeas corpus which left the petitioner illegally detained and still denying the petitioner access to a constitutionally acceptable law library or the constitutionally acceptable alternative method for researching and preparing his legal documents so that he may effectively present his case to the courts. See writ of habeas corpus 10/29/07

## **VII. Ground seven:**

### **State Actors are proceeding in bad faith in petitioner's case**

1. Due to pleadings alleging criminal activity, fraud, and misconduct on the part of state actors must be plead in detail and with specificity, the facts and arguments as set forth in petitioner's pre-trial petition for a constitutional Writ of Habeas Corpus no: 105514 filed in the Supreme Court of Illinois on October 26, 2007, are by this reference incorporated herein as if set forth verbatim (copy attached hereto in the appendix). Such fact pattern

set forth in detail and with specificity conduct on the part of the officers of the court that portray criminal activity, fraud, misconduct, and a scheme or artifice, among other things, evade or avoid accountability on the part of state actors for their wrong doing of depriving the petitioner of fundamental rights, and defrauding the citizens of Illinois of honest government services under the federal mail fraud statute. The facts apparent on the record in petitioner's case show that when state actors learned of misconduct on the part of fellow judicial officials instead of reporting such misconduct to appropriate authorities, such actors aided and abet in the effect not to report or engaged in a "code of silence" ignoring such wrongdoing and thus commit inter alia misprision of a felony.

Verification- Petitioner's signature I the undersign swear under the pains and penalties of perjury that the knowledge contained in this Writ of Habeas Corpus is true and correct to the best of my knowledge and belief. I the undersign offers to show proof to the courts in this Writ of Habeas Corpus.

Petitioner brings the instant petition for a Writ of Habeas Corpus pursuant to Constitution Article 1, section 9, clause 2, and 28 U.S.C. § 2241 (to the extent these may be different) Walker vs. O'Brien, F. 3d 626 (7<sup>th</sup> Cir 2000)

Exhaustion of state remedies does not apply under 28 U.S.C. § 2241, see, e.g. White vs. Lambert 370 F.3d 1002, 1008 r. 4 (9<sup>th</sup> 2004).

Respectfully Submitted

LARRY MAURICE BANKS

:LARRY :MAURICE :BANKS Date: 4-25-08

*Exhibit A*

JEWEL WILLIAMS, CSR  
OFFICIAL COURT REPORTER  
2650 SO. CALIFORNIA-4C02  
CHICAGO, ILLINOIS 60608  
773-869-6065

MR. LARRY BANKS  
750 S. STATE ST.  
ELGIN, IL. 60123  
847-429-5730

<u>DATE</u>	<u>CASE</u>	<u>AMOUNT</u>
12-18-07	PEO. VS. LARY BANKS NO. 06-CR-25666 CHARGE: (ATT) ATTEMPT MURDER, ETC. JUDGE: DENNIS J. PORTER DATE: 11-29-06	<u>\$12.60</u>

4 PGS @ \$3.15 PER PAGE

THANK YOU

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY  
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 THE PEOPLE OF THE )  
7 STATE OF ILLINOIS, )  
8 ) Criminal  
9 Plaintiff, )  
10 ) No. 06-CR-25666  
11 vs. )  
12 ) Charge: (Att) Attempt First  
13 LARRY BANKS, ) Degree Murder, etc.  
14 )  
15 Defendant. )

16 REPORT OF PROCEEDINGS had of the hearing  
17 in the above entitled cause, before the Honorable  
18 DENNIS J. PORTER, Judge of said court, on the 29th day  
19 of November, 2006.

20 APPEARANCES:

21 HONORABLE RICHARD A. DEVINE,  
22 State's Attorney of Cook County, by:  
23 MS. JO TRACEY,  
24 Assistant State's Attorney,  
for the People of the State of Illinois.

25 J. D. Williams, CSR #084-001757  
26 Official Court Reporter  
27 2650 S. California Ave.-4C02  
28 Chicago, Illinois 60608

I N D E X

Date of Hearing: 11-29-06

Page Numbers: 1 through 4

PROCEEDINGS

Continuance.

1 THE COURT: Larry Banks, Judge Stewart for 12/6.

2 (The above-entitled cause was  
3 continued to December 6, 2007.)  
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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 I, Jewel Williams, an Official Court  
5 Reporter for the Circuit Court of Cook County, County  
6 Department-Criminal Division, do hereby certify that I  
7 reported in shorthand the proceedings had in the above  
8 entitled cause, that I thereafter caused the foregoing  
9 to be transcribed into typewriting, which I hereby  
10 certify to be a true and accurate transcript of the  
11 Report of Proceedings had before the Honorable  
12 DENNIS J. PORTER, Judge of said court.

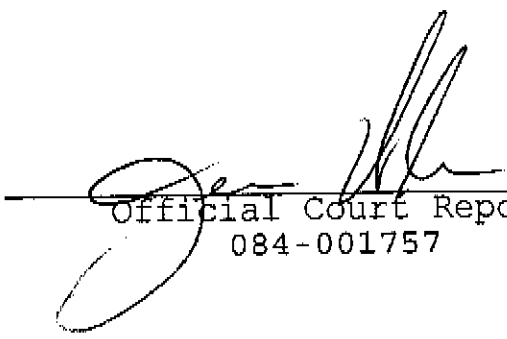
13  
14  
15   
16 Official Court Reporter  
17 084-001757  
18  
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Exhibit B

Arraign. Date: 11/29/067  
Org. & 1 - 12 pgs

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF C O O K )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST MUNICIPAL DISTRICT

THE PEOPLE OF THE )  
STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
vs ) No. 06 MC1 143092  
 )  
LARRY BANKS, )  
 )  
Defendant. )

REPORT OF PROCEEDINGS had at the hearing of the  
above-entitled cause, before the Honorable ADAM D. BOURGEOIS,  
Jr., one of the Judges of said court, on Monday, the 6th day  
of November, A.D., 2006.

APPEARANCES:

HON. RICHARD A. DEVINE,  
State's Attorney of Cook County, by  
MS. TRACY SENECA,  
Assistant State's Attorney,  
appeared for the People;

HON. EDWIN A. BURNETTE,  
Public Defender of Cook County, by  
MS. CANDACE ALEXANDER,  
Assistant Public Defender,  
appeared for the Defendant.

PATRICIA J. THOMPSON, C.S.R.  
Official Court Reporter  
69 West Washington Street - #900  
Chicago, Illinois 60602  
(312) 603-8400  
C.S.R. License #084-003183



1 THE CLERK: Larry Banks.

2 (Witness sworn.)

3 THE COURT: Any objections to the amendments of the  
4 complaint?

5 MS. ALEXANDER: No objection.

6 THE COURT: You may begin.

7 QUINTIN HAMPTON,

8 called as a witness on behalf of the People herein,  
9 after having been first duly sworn, was examined and  
10 testified as follows:

11 DIRECT EXAMINATION

12 BY

13 MS. SENECA:

14 Q Sir, can you state and spell your name for  
15 the record.

16 A Quintin Hampton, Q-u-i-n-t-i-n H-a-m-p-t-o-n.

17 Q Sir, directing your attention to October 26,  
18 2006 at approximately 10:45 p.m.

19 On that date were you in the area of 5918  
20 South Rockwell in the City of Chicago, County of Cook,  
21 State of Illinois?

22 A Yes, ma'am.

23 Q And do you see anybody here in court that you  
24 saw on this date and at that time and location?

1 A Gentleman to my left in the DOC Uniform.

2 THE COURT: The record ill reflect in-court  
3 identification of the defendant.

4 BY MS. SENECA:

5 Q And sir, what was the defendant doing on this  
6 date when you observed him?

7 A The defendant came up out of the alley with a  
8 gun, and I was telling him and his homies to get out  
9 from in front of my crib.

10 Q I will stop you for just one second.  
11 You were telling the defendant and other  
12 people to get out of in front of your crib?

13 A In front of my house, they was arguing and  
14 everything.

15 Q How many people were there approximately?

16 A Seven to eight.

17 Q And as you were telling people to get --  
18 leave, what did you observe the defendant do?

19 A Little brother seen the defendant come from  
20 out of the alley with a gun.

21 MS. ALEXANDER: Objection to what his little  
22 brother saw.

23 THE COURT: Only what you saw.

24 THE WITNESS: Okay.

1 BY MS. SENECA:

2 Q What did you see the defendant do?

3 A Defendant came from out of the alley with a  
4 gun.

5 Q Did you see him with a gun?

6 A I seen him with the gun.

7 Q Where was the gun when you saw him?

8 A He had it in his right hand, and he was  
9 pointing it at everybody, so when he came towards my  
10 way with the gun, I ran into the door, and when I shut  
11 the door, I seen him shoot the gun. It went through  
12 the door and hit me in the chest.

13 Q Did anybody else out there -- all those other  
14 people out there, did anybody else have a gun?

15 A No, he had the only one.

16 MS. ALEXANDER: Objection to what anybody else had.

17 THE COURT: Overruled.

18 THE WITNESS: He was the only one with a gun.

19 BY MS. SENECA:

20 Q You went inside the house and saw him lifting  
21 up the gun and pointing it?

22 A Exactly.

23 Q So you were inside the house when you were  
24 shot?

1           A     Uh-huh, I was closing the door when he pulled  
2     the trigger.

3           Q     And did you receive treatment for your  
4     injuries?

5           A     I have to go to therapy when the bones heal.

6           Q     Is the bullet still inside of you?

7           A     No, the bullet went straight in and straight  
8     out.

9           Q     Do you have any fractures or broken bones as  
10    a result?

11          A     Shoulder is fractured.

12          MS. SENECA: Nothing further.

13                   CROSS-EXAMINATION

14                   BY

15                   MS. ALEXANDER:

16          Q     Mr. Hampton, do you know Mr. Banks?

17          A     No, I do not.

18          Q     Had you ever seen him before that date?

19          MS. SENECA: Objection, relevance, Judge.

20          THE COURT: Sustained.

21          THE WITNESS: No.

22                   BY MS. ALEXANDER:

23          Q     When you say you observed him coming out of  
24     the alley, was he coming out of the alley with these

1 other seven or eight people?

2 A No, he came out of the alley by himself with  
3 the gun.

4 Q And when they were arguing, were they arguing  
5 in the alley or in front of that address?

6 A No, they was in front of my address.

7 Q Which is the 5918 South Rockwell?

8 A South Rockwell, yes.

9 MS. SENECA: Objection.

10 THE COURT: Overruled.

11 BY MS. ALEXANDER:

12 Q How close or far away were you when you say  
13 you saw him come out of the alley?

14 A Twenty feet, wasn't hard to recognize.

15 Q Were you on the porch or on the street?

16 A I was on the porch.

17 Q Was there anything between yourself and where  
18 Mr. Banks was standing or walking?

19 A No.

20 Q And when you made that association, how long  
21 would you say you saw him for when he came out of the  
22 alley with the gun before you turned around and went in  
23 the house?

24 A Say maybe like ten seconds.

1 Q And you said you closed the door behind you,  
2 correct?

3 A When I closed the door --

4 Q Correct, I'm just asking did you close the  
5 door behind you?

6 A Yea, when I closed the door behind me, that's  
7 when I seen him pull the trigger.

8 Q Is there a window or glass in that door, or  
9 is it a solid door?

10 A No, when I closed the door, it's cracked  
11 before I closed it. When I closed it, that's when he  
12 fired the weapon, and it went through the door and hit  
13 me in my chest. That's how I know he shot me.

14 Q I'm asking is the door a solid door or --

15 A It's a solid door.

16 Q Or is there a window in the door?

17 A No, it doesn't have a window.

18 MS, ALEXANDER: Thank you, sir, nothing further.

19 THE COURT: Finding probable cause, transfer to the  
20 Presiding Judge November 29<sup>th</sup>. Defendant's demand for  
21 trial will be noted for the record.

22 You think I've got to worry about him getting  
23 out of jail? His bond is \$300,000. See, the jail lets  
24 people out too easily.

1 Tracey, what's his background?

2 MS. SENECA: He has two felony convictions, Judge.  
3 One is an armed robbery and one is a theft. The armed  
4 robbery involved a 12-year old victim in 1993 and in  
5 1996 for theft.

6 MR. BANKS: May I speak?

7 THE COURT: No, you may not. I'm worried about the  
8 jail letting you out on home detention or something.  
9 I'm trying to make up my mind.

10 All right, let it stand as it is, November  
11 29th.

12 MR. BANKS: Can I ask another question? When I  
13 talked to the prosecutor, I told him that I wasn't even  
14 there, that I would have witnesses that I wasn't even  
15 there.

16 THE COURT: Mr. Banks, this is just a preliminary  
17 hearing.

18 MR. BANKS: I understand that, sir, but --  
19 I want to preserve the colloquy, the transcript,  
20 because at trial, you know what I'm saying?

21 THE COURT: What transcript? The court reporter is  
22 right here.

23 MR. BANKS: And that's why I need a copy.

24 THE COURT: You will get a copy.

1 MR. BANKS: I need a copy of what the police  
2 narrative and affidavit in the --

3 THE COURT: You will get all that. I will  
4 guarantee you will get all that.

5 MR. BANKS: What I'm trying to do -- I need it  
6 probably today because what I'm trying to do is file a  
7 writ of habeas corpus.

8 THE COURT: Mr. Banks, you will have every  
9 opportunity to file whatever you want to file, and you  
10 will get every piece of material that you are entitled  
11 to have, so when you get over to 26<sup>th</sup> Street, you will  
12 be assigned a trial judge. That's when you will start  
13 getting all of that material.

14 MR. BANKS: What I want to -- what I can't  
15 understand, for the record, is how she can represent me  
16 when I said I wanted to go pro se. It's my  
17 Constitutional Right. It seems to me I have been  
18 forced into counsel. I said that I wanted to come pro  
19 se.

20 THE COURT: You will get an opportunity to  
21 represent yourself. This is not a trial.

22 MR. BANKS: I understand that, but I still wanted  
23 to come pro se.

24 THE COURT: What other questions did you want to



1 ask that she didn't ask? What questions do you want to  
2 ask?

3 MR. BANKS: I wanted to ask a number of questions.

4 THE COURT: Tell me, what else did you want to ask?

5 MR. BANKS: Well, I wanted to ask him was he making  
6 -- I wanted to put --

7 THE COURT: What questions did you want to ask the  
8 witness today?

9 MR. BANKS: I wanted to put a witness on which had  
10 a statement for like an individual in court.

11 THE COURT: Mr. Banks, again, I wouldn't have  
12 allowed you to put any witness on, because it would  
13 have been against your interest to do so at this point.

14 Do you understand? I wouldn't have let you  
15 do it, because it is not the point in which you want to  
16 do that.

17 MR. BANKS: So you are telling me that I'm being  
18 penalized because I want to go pro se?

19 THE COURT: You will be penalized?

20 Now I have a problem. I'm worried about you.

21 Bond increased to \$500,000 D. Take him in  
22 the back.

23 (Which were all the proceedings had  
24 at said date and time.)

STATE OF ILLINOIS     )  
                                      ) SS:  
COUNTY OF C O O K     )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DIVISION - FIRST MUNICIPAL DISTRICT

I, Patricia J. Thompson, Official Court Reporter of the Circuit Court  
of Cook County, Municipal Department - First Municipal District, do hereby  
certify that I reported in shorthand the proceedings had on the hearing in the  
aforementioned cause; that I thereafter caused the foregoing to be transcribed into  
typewriting, which I hereby certify to be a true and accurate transcript of the  
Report of Proceedings had before the HONORABLE ADAM D. BOURGEOIS,  
JR., Judge of said Court.

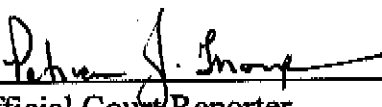
  
\_\_\_\_\_  
Official Court Reporter  
License # 084-003183  
Dated: 10/30/07

Exhibit C

1 Judy Dziewior  
2 Official Court Reporter  
3 69 West Washington Suite 900  
4 Chicago, Illinois 60602  
5 312-603-8498  
6

7 12-14-07

8 To: Mr. Larry Banks  
9 5914 S. Washenaw  
10 Chicago 60629  
11 847-429-5730

12 Re: People -vs- Larry Banks

13 06 M1 14309201

14 Taken on 10-31-06 Br.1

15 Judge Thomas Hennelly

16

17 4 pages @ \$3.15 . . . . . \$12.60

18

19 Total due . . . . . \$12.60

20

21 Thank You

22

23

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25

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3  
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - MUNICIPAL DIVISION

5 THE PEOPLE OF THE )  
6 STATE OF ILLINOIS, )  
 )  
7 Plaintiff, )  
 vs. ) Case No. 06 M1143099201  
8 )  
9 LARRY BANKS, )  
 )  
10 Defendant. )

11 REPORT OF PROCEEDINGS of the trial had before  
12 the Honorable Thomas Hennelly , Judge of the Municipal  
13 Division, heard on the 31st day of October, 2006.

14  
15 APPEARANCES:

16 HON. RICHARD A DEVINE,  
17 State's Attorney of Cook County, by:  
Assistant State's Attorney  
appeared for the People;

18 MS. RITA FRY,  
19 Public Defender of Cook County, by  
Assistant Public Defender  
appeared for the Defendant.

20  
21 Judith A. Dziewior  
22 Official Court Reporter  
C.S.R. 084-004479

23

24

25

1 THE CLERK: Number 8, Larry Maurice Banks.

2 THE COURT: State.

3 ASSISTANT STATE'S ATTORNEY: Charge at this time  
4 it Class X aggravated battery with a firearm, occurred  
5 October 26, 2006 at 5918 South Rockwell, Chicago, Cook  
6 County, Illinois.

7 Approximately 8:45 p.m., the victim as well as  
8 two witnesses came down from the second floor apartment  
9 to the front porch of that address after hearing arguing  
10 in front of their home.

11 When they got to the poarch, told the people who  
12 were arguing to leave. They were with the five or six  
13 people in front of the house including the defendant.  
14 The victim was talking to another member from the group.

15 The defendant went around the yard and into a  
16 gangway. He returned in a short time with a long barrel  
17 firearm, pointed it at the victim, as well as the  
18 witness and then fired the weapon when the victim closed  
19 the door. The bullet penetrated the door and went into  
20 the victim's shoulder. Victim sustained a through and  
21 through gun shot wound to the shoulder.

22 THE COURT: I find that Gerstein is satisfied.

23 Background for bond.

24 ASSISTANT STATE'S ATTORNEY: We are requesting  
25 special conditions, no contact with the victim.

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THE COURT: Granted.

ASSISTANT STATE'S ATTORNEY: Thank you.

Two felony convictions in defendant's history including an armed robbery of a twelve year old victim that the victim was held at gun point.

It is extendable based on prior Class X between last ten years, also failure to appear in court.

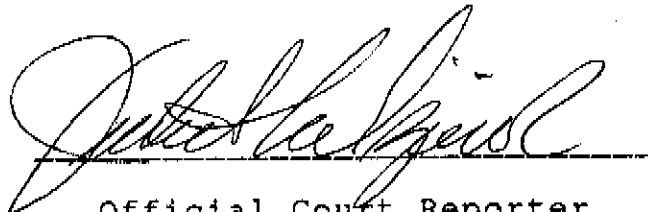
ASSISTANT PUBLIC DEFENDER: 30 years of age, life long resident. Has a child, one. We'd be asking for Cermak mitt.

THE COURT: We'll let the sheriff determine that. Bond Mr. Banks is \$300,000-D, November 6th, Branch 48, call four. That's your next court date.

(WHEREUPON these were all the.  
Proceedings had in the above.  
Matter this date.)

1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT  
2 COOK COUNTY, ILLINOIS  
3

4 I, JUDITH A. DZIEWIOR, an Official Court Reporter  
5 within and for the Circuit Court of Cook County,  
6 Municipal Division, do hereby certify that I have  
7 reported in shorthand the proceedings had at the hearing  
8 of the above-entitled cause; that I thereafter caused  
9 the foregoing to be transcribed into typewriting  
10 electronically, which I hereby certify is a true and  
11 accurate transcription of my stenographic notes and  
12 contains all the matters of the proceedings so taken as  
13 aforesaid before the Honorable Thomas Hennelly, Judge of  
14 said court.  
15

16  
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18

Official Court Reporter

19 C.S.R. 084-004479  
20

21 Dated this 14<sup>th</sup> day of  
22 December 2007.  
23  
24  
25

Exhibit D

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 COUNTY DEPARTMENT - MUNICIPAL DIVISION

6 THE PEOPLE OF THE )  
7 STATE OF ILLINOIS, )  
8 )  
9 Plaintiff, )  
10 vs. ) Case No. 06 M1143099201  
11 )  
12 LARRY BANKS, )  
13 )  
14 Defendant. )

15 REPORT OF PROCEEDINGS of the trial had before  
16 the Honorable Thomas Hennelly , Judge of the Municipal  
17 Division, heard on the 31st day of October, 2006.

18 APPEARANCES:

19 HON. RICHARD A DEVINE,  
20 State's Attorney of Cook County, by:  
21 Assistant State's Attorney  
22 appeared for the People;

23 MS. RITA FRY,  
24 Public Defender of Cook County, by  
25 Assistant Public Defender  
appeared for the Defendant.

26 Judith A. Dziejior  
27 Official Court Reporter  
28 C.S.R. 084-004479



1 THE CLERK: Number 8, Larry Maurice Banks.

2 THE COURT: State.

3 ASSISTANT STATE'S ATTORNEY: Charge at this time  
4 it Class X aggravated battery with a firearm, occurred  
5 October 26, 2006 at 5918 South Rockwell, Chicago, Cook  
6 County, Illinois.

7 Approximately 8:45 p.m., the victim as well as  
8 two witnesses came down from the second floor apartment  
9 to the front porch of that address after hearing arguing  
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11 When they got to the poarch, told the people who  
12 were arguing to leave. They were with the five or six  
13 people in front of the house including the defendant.  
14 The victim was talking to another member from the group.

15 The defendant went around the yard and into a  
16 gangway. He returned in a short time with a long barrel  
17 firearm, pointed it at the victim, as well as the  
18 witness and then fired the weapon when the victim closed  
19 the door. The bullet penetrated the door and went into  
20 the victim's shoulder. Victim sustained a through and  
21 through gun shot wound to the shoulder.

22 THE COURT: I find that Gerstein is satisfied.

23 Background for bond.

24 ASSISTANT STATE'S ATTORNEY: We are requesting  
25 special conditions, no contact with the victim.

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THE COURT: Granted.

ASSISTANT STATE'S ATTORNEY: Thank you.

Two felony convictions in defendant's history including an armed robbery of a twelve year old victim that the victim was held at gun point.

It is extendable based on prior Class X between last ten years, also failure to appear in court.

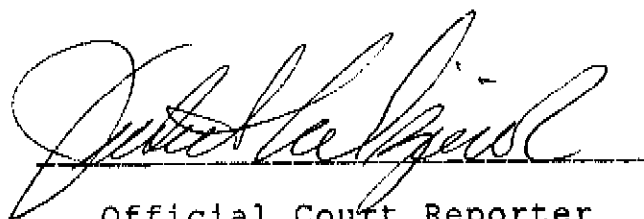
ASSISTANT PUBLIC DEFENDER: 30 years of age, life long resident. Has a child, one. We'd be asking for Cermak mitt.

THE COURT: We'll let the sheriff determine that. Bond Mr. Banks is \$300,000-D, November 6th, Branch 48, call four. That's your next court date.

(WHEREUPON these were all the.  
Proceedings had in the above.  
Matter this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT  
COOK COUNTY, ILLINOIS

I, JUDITH A. DZIEWIOR, an Official Court Reporter  
within and for the Circuit Court of Cook County,  
Municipal Division, do hereby certify that I have  
reported in shorthand the proceedings had at the hearing  
of the above-entitled cause; that I thereafter caused  
the foregoing to be transcribed into typewriting  
electronically, which I hereby certify is a true and  
accurate transcription of my stenographic notes and  
contains all the matters of the proceedings so taken as  
aforesaid before the Honorable Thomas Hennelly, Judge of  
said court.



Official Court Reporter

C.S.R. 084-004479

Dated this 14<sup>th</sup> day of

December 2007.

Exhibit E

THE HONORABLE DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
COOK COUNTY, IL

DATE: 11/26/2007 TIME: 12:00PM  
TN: 0038-0001 RN: 00022533  
DIST: 01 DIV: Criminal  
CRM1-069 CASHIER: NALINP CRN: 649

ATTORNEY NO: 00000

REF CASE NO: 06114392101  
REF OTHER:

CASE TOTAL:	\$20.00	
Certification Fee		\$9.00
Record Searches		\$9.00
Copy Fee		\$2.00
MONEY ORDER NO: P1099742		
MONEY ORDER AMT:	\$20.00	
CHANGE	\$0.00	

RECEIPT 0001 OF 0001  
TRANSACTION TOTAL: \$20.00

THANK YOU

CIRCUIT COURT OF COOK COUNTY, ILLINOIS Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06114309201

LARRY

M BANKS

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5.0/12-4.2-A-1

F

AGG BATTERY

720-5.0/16-2

M

THEFT OF LOST OR MISLAID PROPRTY

625-5/6-112

T

TM-043-965

9-36-030

T

TM-043-964

625-5.0/3-707

T

TM-043-966

The following disposition(s) was/were rendered before the Honorable Judge(s):

10/31/06 PROBABLE CAUSE TO DETAIN

HENNELLY THOMAS JOSEPH

10/31/06 BAIL AMOUNT SET

\$ 300000

HENNELLY THOMAS JOSEPH

10/31/06 MOTION STATE - CONTINUANCE -MS

11/06/06 5148

HENNELLY THOMAS JOSEPH

10/31/06 DEF DEMAND FOR TRIAL

HENNELLY THOMAS JOSEPH

11/06/06 PRELIMINARY HEARING

BOURGEOIS ADAM DONALD JR.

11/06/06 FNDG PROB CAUSE

C001

BOURGEOIS ADAM DONALD JR.

11/06/06 TRANSFERRED TO CRIMINAL DIV

11/29/06 1701

BOURGEOIS ADAM DONALD JR.

11/06/06 DEF DEMAND FOR TRIAL

BOURGEOIS ADAM DONALD JR.

11/06/06 MOTION TO INCREASE BAIL

S

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BOURGEOIS ADAM DONALD JR.

11/06/06 BAIL AMOUNT SET

\$ 500000

BOURGEOIS ADAM DONALD JR.

11/06/06 NOLLE PROSEQUI

C002

BOURGEOIS ADAM DONALD JR.

11/06/06 NOLLE PROSEQUI

C003

BOURGEOIS ADAM DONALD JR.

11/06/06 NON-SUIT

C004

BOURGEOIS ADAM DONALD JR.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
PEOPLE OF THE STATE OF ILLINOIS  
VS

Page 002

NUMBER 06114309201

LARRY M BANKS

**CERTIFIED STATEMENT OF CONVICTION / DISPOSITION**

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:


The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

11/06/06 NOLLE PROSEQUI

C005

BOURGEOIS ADAM DONALD JR.

I hereby certify that the foregoing has been entered of record on the above captioned case.  
Date 11/26/07

  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

(Rev. 10/30/00) CCCR 0056

STATE OF ILLINOIS } ss:  
COUNTY OF COOK }

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of a certain file  
(excluding medical records) all other contents  
case number: 06 CR 25666

In a certain cause Law pending in said Court, between  
The People of the State of Illinois are Plaintiffs and  
Larry Banks is Defendant.

Witness: DOROTHY BROWN,  
Clerk of the court, and the Seal thereof, at Chicago  
In said County, February 22, 2008

Dorothy Brown  
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

06114309201

CB/DCN: 016701464 IR: 1031405 BRANCH: 01

COURT DATE: 10/31/2006 ROOM: 0100 TIME: 01:00

06114309201

STATE OF ILLINOIS

—

**BANKS, LARRY M**

06114309201

JUDGE: HENNELLY THOMAS JOSEPH CODE: 1908

COURT DATE: 11/06/2006 ROOM: 5148 TIME: 01:30

BOND NO: DEPOSIT \$: 300,000 BRANCH: 48

608 - PROBABLE CAUSE TO DETAIN

601 - BAIL AMOUNT SET

301 - MOTION STATE - CONTINUANCE

913 - DEF DEMAND FOR TRIAL

**§ 87(2)(b) - Offenses, removes or conceals any public record commits a Class 4 felony (720 ILCS 5/32-8)**



## PRISONER DATA SHEET

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

NAME Larry Banks ADDRESS 410 Adams  
 CITY/TOWN Evanston, IL ZIP CODE \_\_\_\_\_  
 CASE NO. Up. 143092 TRM 043-966-965 966  
 IR, CB, SID 1031405 MAJOR CHARGE 720 512-4-2 NO. COUNTS 5  
 BAIL PREVIOUSLY SET Three hundred thousand \$ 300,000  
 CRIMINAL-MUNICIPAL-OTHER ROOM 101 TIME 9  
 BRANCH CJ ADDRESS 2600 California CITY/TOWN Cercy  
 BAIL SET \_\_\_\_\_ \$ \_\_\_\_\_

NEW COURT DATE \_\_\_\_\_ JUDGE \_\_\_\_\_ JUDGE'S NO. \_\_\_\_\_  
 BAIL REDUCED/INCREASED five Hundred Thousand \$ 500,000  
 NEW COURT DATE 11-29-06 JUDGE Adam B. JUDGE'S NO. 1791  
 NEW COURT DATE 11-29-06 JUDGE Adam B. JUDGE'S NO. 1791

DISPOSITION (REMAIN IN CUSTODY)

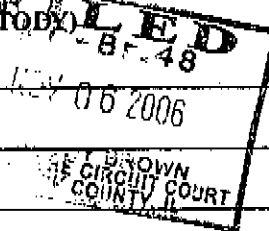
HEARING-FINDING OF PROBABLE CAUSE

TRANSFER TO PRESIDING JUDGE

CRIMINAL DIVISION FOR 11-29-06

DATE 11-6-06 JUDGE Adam B. JUDGE'S NO. 1791

DISPOSITION (RELEASE FROM CUSTODY)



DATE \_\_\_\_\_ JUDGE \_\_\_\_\_ JUDGE'S NO. \_\_\_\_\_

DATE 11-6-06 DEPUTY CLERK [Signature]

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1 STATE OF ILLINOIS)  
 )SS  
2 COUNTY OF COOK )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE )  
6 STATE OF ILLINOIS, )  
7 Plaintiff, )

8 vs. ) No. 06 CR 25666

9 LARRY BANKS, )  
10 Defendant.)

11 REPORT OF PROCEEDINGS had at the hearing of  
12 the above-entitled cause, before the Honorable  
13 VICTORIA A. STEWART, one of the Judges of said  
14 District, on the 6th day of December, 2006.

15 APPEARANCES:  
16 HON. RICHARD A. DEVINE,  
17 State's Attorney of Cook County, by:  
18 MS. MARY MALLO,  
19 Assistant State's Attorney,  
20 appeared for the People;

21 The Defendant appeared pro se.

22 Jean M. Salerno  
23 CSR #084-002821  
24 10220 S. 76th Avenue  
Bridgeview, IL 60455

1 THE CLERK: Larry Banks.

2 THE COURT: Second time up. What is the motion  
3 that's filed? It would appear that the Defendant  
4 has filed a pro se motion for discovery. Public  
5 Defender I appoint you to represent Mr. Banks.  
6 Waive reading on the Information; pleading not  
7 guilty. Here, Miss State's Attorney, here is your  
8 Preliminary Hearing transcript.

9 MS. MALLO: Thanks, Judge.

10 THE COURT: I have four Class X's, one Class 1,  
11 six Class 2's, and three Class 3's. I am appointing  
12 the Public Defender's Office to represent you, Mr.  
13 Defendant. It's the first time that he appears in  
14 my courtroom. He's waiving reading on the  
15 Information, he's entering a plea of not guilty on  
16 your behalf. The State's Attorney is filing a  
17 motion for discovery and tenders case reports, and  
18 Counsel acknowledges receipt of the documents.

19 MR. ZELENY: Yes.

20 MR. BANKS: Excuse me, ma'am. May I address  
21 the Court?

22 THE COURT: Yes, you may.

23 MR. BANKS: I would like to fire the Public  
24 Defender and I would like to go pro se. It's in the

1 Constitution. I have a constitutional right.

2 THE COURT: Mr. Defendant, you have a right  
3 under the constitution to represent yourself, but I  
4 want to make it perfectly clear that you're charged  
5 with four counts of attempt first-degree murder, one  
6 count of aggravated discharge of a firearm; Class 1,  
7 aggravated unlawful use of a weapon; six counts, and  
8 additional three counts of aggravated battery. Deal  
9 first with the Class X offenses. These are six to  
10 thirty years of incarceration in the Illinois  
11 Department of Corrections. That sign says Judge.  
12 It doesn't say Defense lawyer. It doesn't say  
13 Prosecutor. It says Judge. If you wish to  
14 represent yourself, I will hold you to the same  
15 standards that I hold an attorney to. I will not  
16 tell you how to prepare documents. I will not tell  
17 you how to file them, and if you don't properly  
18 follow the rules that are established by the Circuit  
19 Court of Cook County and the Supreme Court of the  
20 State of Illinois, I will deny them as not being  
21 filed and not been properly handled. I strongly  
22 suggest to you based upon the nature of the charges  
23 that are against you that you allow an attorney who  
24 is familiar with those rules to represent you so

1       that these things will be done properly. Now, if  
2       you tell me that you are refusing a lawyer and you  
3       want to represent yourself, I am going to allow  
4       that.

5               MR. BANKS: Yes, ma'am.

6               THE COURT: Now, is that what you're saying?

7               MR. BANKS: Yes, ma'am.

8               THE COURT: He represents himself. Tender  
9       those documents to the Defendant.

10              MS. MALLO: Judge, can we have a chance to look  
11       at these to see if we need to redact anything?

12              MR. ZELENY: I will return the discovery to the  
13       State and the Preliminary Hearing transcript as well  
14       as the charging documents to the Clerk if they wish  
15       to be retendered.

16              THE COURT: He must file an indigency petition.  
17       For all I know the man is a millionaire, and I will  
18       appoint you to do so, but again I will not tell him  
19       how to represent himself. If you want to represent  
20       yourself, I already warned you, Mr. Defendant, you  
21       must follow the rules.

22              MR. BANKS: Yes, ma'am.

23              THE COURT: What motions are before me today?

24              MR. BANKS: I have a motion to proceed pro se.

1 THE COURT: Mr. Defendant, I already allowed  
2 you to proceed pro se.

3 MR. BANKS: I have a motion of a change of  
4 venue.

5 THE COURT: Do you have a written motion?

6 MR. BANKS: Yes, ma'am.

7 THE COURT: May I see it? Did you serve a copy  
8 of the motion to the State and file it with the  
9 Clerk of the Circuit Court of Cook County?

10 MR. BANKS: No, ma'am.

11 THE COURT: Then, Mr. Defendant, you must give  
12 the State notice. Due process. They're entitled to  
13 notice and it says that the State is entitled to  
14 notice.

15 MR. BANKS: I have a copy here.

16 THE COURT: Mr. Defendant, would you let -- let  
17 me explain something again. My sign says Judge. It  
18 doesn't say Defense attorney or Prosecutor.

19 MR. BANKS: Yes, ma'am.

20 THE COURT: Do you think it's fair if I let the  
21 State's Attorney hand your lawyer something without  
22 giving him notice of it?

23 MR. BANKS: I didn't have a chance to give him  
24 notice.

1 THE COURT: Mr. Defendant, the rules are the  
2 rules regardless of whether you represent yourself.

3 MR. BANKS: May I ask the Court something. I  
4 am representing myself. Will you be biased in this  
5 case?

6 THE COURT: Mr. Defendant, I told you at the  
7 start of this if you wanted to represent yourself, I  
8 would hold you to the same standards that I hold an  
9 attorney because you're a lawyer when you represent  
10 yourself. Is that not correct, sir?

11 MR. BANKS: Yes, ma'am.

12 THE COURT: And the law requires that you serve  
13 the other side with a notice of motion and the  
14 motion be in writing and they get a minimum of  
15 forty-eight hours. Is the motion here in writing?  
16 Was it filed and was it served forty-eight hours  
17 before today's date; yes or no?

18 MR. BANKS: It was not.

19 THE COURT: Was it served forty-eight hours?  
20 The rules aren't my rules. Yes or no?

21 MR. BANKS: No.

22 THE COURT: Your request to have it heard today  
23 is going to be denied. You must serve it on them,  
24 but I will give them the same rights that I give you

1       --

2               MR. BANKS:   Yes, ma'am.

3               THE COURT:   -- because I have to be fair to  
4       both sides.

5               MR. BANKS:   May I speak?   Due to the  
6       circumstances of me being incarcerated in the Cook  
7       County Jail and due to the circumstances of me not  
8       being able to get to the library because you have to  
9       put in a library request to get documents notarized  
10      that put me - you know what I'm saying - in a  
11      disadvantage.

12              THE COURT:   Mr. Defendant, let me tell you the  
13      rules again.   If you have a problem with the Sheriff  
14      in the execution of your rights as a lawyer, you  
15      must file a written motion before me alleging abuse  
16      and you must serve the Sheriff of Cook County with  
17      that motion and you then go to a hearing to see if  
18      he's abusing his rights.   Now, if you prove up that  
19      he's abusing his rights, I will order that he do  
20      something, but other than that, I will not interfere  
21      with the administration of the jail because that's  
22      inappropriate on my part and since you haven't said  
23      or demonstrated by evidence an abuse and you haven't  
24      given the Sheriff an opportunity to come in and



1 respond and again, I must be fair and you're  
2 standing before me with just an accusation. I have  
3 no evidence.

4 MR. BANKS: You know, I wrote --

5 THE COURT: Did you serve the other side? The  
6 answer is no, Mr. Defendant.

7 MR. BANKS: Yes, ma'am.

8 THE COURT: Did you serve the other party? Did  
9 you file the written motion; yes or no?

10 MR. BANKS: No.

11 THE COURT: I will not have it heard before me  
12 today unless you follow the proper rules and  
13 procedures, and again I will suggest to you that you  
14 don't know these rules and procedures and you're  
15 charged with an offense that I could sentence you up  
16 to thirty years in jail and I will allow a lawyer  
17 who knows these rules to handle this matter.

18 MR. BANKS: Excuse me, madam. Again I say -  
19 you know what I'm saying - on the record before the  
20 Court --

21 THE COURT: Mr. Defendant, you have a motion.  
22 It must be in writing. What is that motion that you  
23 wish to make? Tender it to me.

24 MR. BANKS: I have a motion for a change of

1 venue.

2 THE COURT: May I see it?

3 MR. BANKS: Yes, ma'am.

4 THE COURT: And then you say you want to change  
5 jurisdiction and you want me to move it to another  
6 County?

7 MR. BANKS: Yes, ma'am.

8 THE COURT: Have you served the State with the  
9 motion?

10 MR. BANKS: No.

11 THE COURT: You have to file it with the Clerk.  
12 Your request to have it heard is denied. You must  
13 follow the rules, Mr. Defendant. Again I tell you  
14 hire a lawyer or let me appoint the Public Defender  
15 to represent you.

16 MR. BANKS: By this time, your Honor, when I  
17 was coming in on the motion before the Court, the  
18 person that they have indicted under the charge --

19 THE COURT: Mr. Defendant, I won't hear an oral  
20 motion. The law requires that all motions be in  
21 writing and be served on the other side. Do you  
22 have a motion that's in writing and served on the  
23 other side and properly so?

24 MR. BANKS: No.

1 THE COURT: I will not hear any motions unless  
2 you follow the proper procedures and again, sir, my  
3 fifth time I suggest that you let me appoint the  
4 Public Defender who's a lawyer; who's capable of  
5 getting these things appropriately filed and working  
6 with you to represent you so that you could have  
7 these hearings done; if not, sir, you will be  
8 representing yourself, but I will be denying all of  
9 those motions until you follow all these procedures  
10 because the law requires me to do that, and I  
11 wouldn't let the State's Attorney come in here on a  
12 motion and not serve it on you.

13 MR. BANKS: May I get my motion back and file  
14 it with the Court?

15 THE COURT: Tender the motion back to the  
16 Defendant. Original plus two copies must be served  
17 on the other side. It's a Motion Defendant  
18 continuation.

19 MR. BANKS: May I have the reading of the  
20 Indictment? I don't waive it.

21 THE COURT: Miss Clerk, read the Indictment.

22 THE CLERK: I have to read all of the counts?

23 THE COURT: Oh, yes.

24 THE CLERK: Count 1 first-degree murder --

1 attempt first-degree murder. Count 2 --

2 THE COURT: You got to read the entire  
3 document. Read the whole Indictment.

4 THE CLERK: All of this?

5 THE COURT: All right. "The People of the  
6 State of Illinois represented by the State's  
7 Attorney of Cook County, do hereby inform and charge  
8 that against the peace and dignity of the People of  
9 the State of Illinois and in violation of the laws  
10 of the State of Illinois the herein named Defendant  
11 contrary to the 1992 Illinois Compiled Statutes did  
12 violate said laws of Illinois as described herein.

13 The State's Attorney of Cook County  
14 now appears before the Circuit Court of Cook County  
15 and in the name and by the authority of the People  
16 of the State of Illinois states that on or about  
17 October 26, 2006 in the Cook County, Illinois Larry  
18 Banks committed the offense of attempt first-degree  
19 murder in that he, without lawful justification with  
20 intent to kill, did any act, to wit: Larry Banks  
21 shot Quinton Hampton, which constituted a  
22 substantial step towards the commission of  
23 first-degree murder in violation of Chapter 720, Act  
24 5, subsection 8-4 (a) of the Illinois Revised

1 Statutes -- Illinois Compiled Statutes rather  
2 Section 720-5/9-1-(a)-(1) contrary to the Statute,  
3 and against the peace and dignity of the same People  
4 of the State of Illinois. Sir, that is count number  
5 1.

6 Count 2. The State's Attorney of Cook  
7 County now appears before the Circuit Court of Cook  
8 County and in the name and by the authority of the  
9 People of the State of Illinois states that on or  
10 about October 26, 2006 in the Cook County, Illinois  
11 Larry Banks committed the offense of attempt  
12 first-degree murder in that he, without lawful  
13 justification with intent to kill, did any act, to  
14 wit: Larry Banks shot at Paris Hampton, which  
15 constituted a substantial step towards the  
16 commission of first-degree murder, in violation of  
17 the Illinois Compiled Statutes and contrary to the  
18 Statute, and against the peace of dignity of the  
19 same People of the State of Illinois.

20 Next Count. The State's Attorney of  
21 Cook County now appears before the Circuit Court of  
22 Cook County and in the name and by the authority of  
23 the People of the State of Illinois states that on  
24 or about October 26, 2006 in the Cook County,

1 Illinois Larry Banks committed the offense of  
2 attempt first-degree murder in that he, without  
3 lawful justification with intent to kill, did any  
4 act, to wit: Larry Banks shot at Derrick Joyner,  
5 which constituted a substantial step towards the  
6 commission of first-degree murder, in violation of  
7 the Illinois Compiled Statutes and contrary to the  
8 Statute, and against the peace and dignity of the  
9 same People of the State of Illinois.

10 Count Number 4. The State's Attorney  
11 of Cook County now appears before the Circuit Court  
12 of Cook County and in the name and by the authority  
13 of the People of the State of Illinois states that  
14 on or about October 26, 2006 in the Cook County,  
15 Illinois Larry Banks committed the offense of  
16 attempt first-degree murder in that he, without  
17 lawful justification with intent to kill, did any  
18 act, to wit: Larry Banks shot at Marcel Frierson,  
19 which constituted a substantial step towards the  
20 commission of first-degree murder in violation of  
21 the Illinois Compiled Statutes and against the  
22 Statute, and against the peace and dignity of the  
23 same People of the State of Illinois.

24 Count Number 5. The State's Attorney

1 of Cook County now appears before the Circuit Court  
2 of Cook County and in the name and by the authority  
3 of the People of the State of Illinois states that  
4 on or about October 26, 2006 in the Cook County,  
5 Illinois Larry Banks committed the offense of  
6 aggravated discharge of firearm in that he,  
7 knowingly or intentionally discharged a firearm at  
8 or into a building he knew to be occupied and the  
9 firearm was discharged from a place or position  
10 outside that building, to wit: South Rockwell, in  
11 violation of the Illinois Compiled Statutes and  
12 contrary to the Statute, and against the peace and  
13 dignity of the same People of the State of Illinois.

14 Count Number 6. The State's Attorney  
15 of Cook County now appears before the Circuit Court  
16 of Cook County and in the name and by the authority  
17 of the People of the State of Illinois states that  
18 on or about October 26, 2006 at and within said  
19 County of Cook Larry Banks committed the offense of  
20 aggravated unlawful use of weapon in that he,  
21 knowingly carried on or about his person, a firearm,  
22 at a time when he was not on his own land or in his  
23 own abode or fixed place of business and the firearm  
24 possessed was uncased, loaded, and immediately

1 accessible at the time of the offense, and Larry  
2 Banks has been previously convicted of a felony, to  
3 wit: Armed Robbery under docket number 93 CR 25860,  
4 and that was in violation of the Illinois Compiled  
5 Statutes and contrary to the Statute and against the  
6 peace and dignity of the same People of the State of  
7 Illinois.

8 Count Number 7. Aggravated unlawful  
9 use of weapon on October 26, 2006 that you committed  
10 the offense of aggravated unlawful use of weapon in  
11 that you knowingly carried on or about your person,  
12 a firearm, at a time when you were not on your own  
13 land or abode or fixed place of business and that  
14 you had not been issued a currently valid Firearm  
15 Owner's I.D. card and that you had been previously  
16 convicted of a felony armed robbery under case  
17 number 95 -- Sorry -- 93 CR 25860; that's contrary  
18 to the Compiled Statutes of Illinois and against the  
19 peace and dignity of the People of the State of  
20 Illinois.

21 Count Number 8 that you knowingly  
22 carried or possessed on or about your person a  
23 firearm, in that you committed the offense of  
24 aggravated unlawful use of weapon on October 26,



1 2006 in that at the time that you possessed the  
2 firearm, it was on your person and upon a public  
3 street, to wit: South Rockwell, within the  
4 corporate limits of the City of Chicago and at the  
5 time you were not on your own land, in your own  
6 abode, or fixed place of business and when you were  
7 not an invitee thereon for the purpose of display of  
8 such weapon or lawful commerce in weapons, and the  
9 firearm possessed was uncased, loaded, and  
10 immediately accessible at the time of the offense  
11 and that you had been previously convicted of armed  
12 robbery under case number 93 CR 25860 in violation  
13 of Illinois Compiled Statutes and against the peace  
14 and dignity of the People of the State of Illinois.

15 Count Number 9. It indicates that you  
16 on October 26, 2006 committed the offense of  
17 aggravated unlawful use of weapon in that you  
18 knowingly carried or possessed on or about your  
19 person a firearm upon a public street, to wit:  
20 South Rockwell, within the corporate limits of the  
21 City of Chicago, and at the time when you were not  
22 on your own land, your own abode, or fixed place of  
23 business, and when you were not an invitee thereon  
24 for the purpose of display of such weapon or lawful

1 commerce in weapons, and that you had not been  
2 issued a currently valid Firearm Owner's I.D. Card  
3 and that you had previously been convicted of armed  
4 robbery under case number 93 CR 25860, and that that  
5 was in violation of Illinois Compiled Statutes and  
6 against the peace of dignity of the State of  
7 Illinois.

8 Charge Number 10. It indicates that  
9 on October 26, 2006 in Cook County, Illinois, Larry  
10 Banks committed the offense of unlawful use of a  
11 weapon by a felon in that you knowingly possessed on  
12 or about your person, a firearm, to wit: A rifle,  
13 after having been previously convicted of the felony  
14 offense of armed robbery under case number  
15 93 CR 25860, in violation of the Illinois Compiled  
16 Statutes and against the peace and dignity of the  
17 People of the State of Illinois.

18 Count Number 11. Larry Banks on or  
19 about October 26, 2006 within Cook County committed  
20 the offense of unlawful use of weapon by a felon in  
21 that you knowingly possessed on or about your person  
22 firearm ammunition, after having been previously  
23 convicted of the felony offense of armed robbery  
24 under case number 93 CR 25860 in violation of the

1 Illinois Statutes and against the peace and dignity  
2 of the People of the State of Illinois.

3 Count Number 12. It says that you  
4 committed the offense of aggravated battery on  
5 October 26, 2006 and within Cook County, in that you  
6 in committing a battery intentionally or knowingly  
7 caused great bodily harm to Quinton Hampton in that  
8 you shot Quinton Hampton in violation of the  
9 Illinois Compiled Statutes and against the peace and  
10 dignity of the People of the State of Illinois.

11 Count Number 13 states that on October  
12 26, 2006 Larry Banks committed the offense of  
13 aggravated battery in that you in committing a  
14 battery, intentionally or knowingly caused permanent  
15 disfigurement to Quinton Hampton, in that you shot  
16 Quinton Hampton in violation of the Illinois  
17 Compiled Statutes and against the peace and dignity  
18 of the People of the State of Illinois.

19 Count Number 14 indicates that Larry  
20 Banks on October 26, 2006 committed the offense of  
21 aggravated battery in that you knowingly and without  
22 legal justification caused bodily harm to Quinton  
23 Hampton in that you shot Quinton Banks while they  
24 were on or about a publicway, to wit: South

1 Rockwell, in Chicago, Cook County, Illinois, in  
2 violation of the Illinois Compiled Statutes and  
3 against the peace and dignity of the People of the  
4 State of Illinois.

5 Count Number -- that is the last  
6 count, sir.

7 On these counts, how do you plead?

8 MR. BANKS: I plead not guilty and I object,  
9 Judge.

10 THE COURT: What's your objection, sir?

11 MR. BANKS: My objection is the Defendant named  
12 in the People of the State of Illinois versus Larry  
13 Banks agreed by the amended charge of first-degree  
14 murder because the Defendant was charged with  
15 aggravated battery with a firearm under Illinois  
16 Statutory Code 720, 5, Section 12/4.2 A. It reads  
17 knowingly, but the actual reading of the affidavit  
18 charged with the Statutory Code is 720, Act 5, 12/  
19 1.4 B without justification. The reading of the  
20 Information which the affidavit -- the information  
21 charging the Defendant with the actual crime was  
22 taken (sic) by the Prosecutor to the Grand Jury  
23 which the Grand Jury indicted the Defendant based  
24 upon the amended complaint and it was a secret to

1 the Defendant. The Defendant --

2 THE COURT: Well, Mr. Defendant, let me stop  
3 you. Are you saying it's illegal for the State to  
4 go to the Grand Jury?

5 MR. BANKS: No, ma'am. What I'm saying --

6 THE COURT: What's your motion?

7 MR. BANKS: My motion is that what the State  
8 did they had the original affidavit for complaint  
9 which was aggravated battery with a firearm.

10 THE COURT: When you say affidavit for  
11 complaint, what do you mean?

12 MR. BANKS: Affidavit of information. The  
13 information that they took at the probable cause  
14 after they bound me over.

15 THE COURT: Mr. Defendant, that's not the  
16 proper legal term. I suggest if you want to play  
17 lawyer, when you have a complaint for Preliminary  
18 Hearing -- is that what you're referring to?

19 MR. BANKS: Yes.

20 THE COURT: It is --

21 MR. BANKS: It's called an affidavit of  
22 information.

23 THE COURT: I have been a lawyer for 32 years.  
24 I am telling you what it is. If you want me to --

1 what you're saying is incorrect and if you look at  
2 the complaint, if you look at the Preliminary  
3 Hearing file -- and it's not here before me. If you  
4 look at the Preliminary Hearing complaint, it says  
5 complaint for Preliminary Hearing on it. Now, is  
6 that what you're referring to; yes or no?

7 MR. BANKS: No.

8 THE COURT: You may make whatever reference you  
9 want. I would ask you to tender the document to me  
10 that you're referring to because I am not familiar  
11 with it, Mr. Defendant. Let me see what you're  
12 referring to.

13 MR. BANKS: All right.

14 THE COURT: Tender it to me now.

15 MR. BANKS: This is what is read right there,  
16 your Honor.

17 THE COURT: Are you telling me this for the  
18 record. I will mark this as Defendant's Exhibit  
19 Number 1 if you want me to introduce it into  
20 evidence.

21 MR. BANKS: Yes.

22 THE COURT: You're indicating to me that this  
23 is a document that was filed by the State's  
24 Attorney; handwritten?

1 MR. BANKS: No, ma'am. It wasn't handwritten.

2 That was the information.

3 THE COURT: Mr. Defendant --

4 MR. BANKS: The State --

5 THE COURT: You're referring to a document  
6 which you say that the State filed against you at a  
7 complaint for Preliminary Hearing. Is that yes or  
8 no?

9 MR. BANKS: No.

10 THE COURT: Mr. Defendant, is that the document  
11 that you say the State filed against you when you  
12 had a Preliminary Hearing; yes or no?

13 MR. BANKS: No, ma'am.

14 THE COURT: Then your request to introduce it  
15 is denied. Tender me the document that you claim  
16 that the State filed at Preliminary Hearing.

17 MR. BANKS: Well, ma'am, they never did give me  
18 that copy of the original. They gave me a copy of a  
19 pink piece of paper.

20 THE COURT: May I have that pink piece of  
21 paper?

22 MR. BANKS: I don't have it, your Honor. When  
23 I came --

24 THE COURT: Now, Mr. Defendant, in a legally

1       succinct manner, what's your objection to the  
2       complaint?

3               MR. BANKS: My objection is that the complaint  
4       was a bare-bone affidavit.

5               THE COURT: What is the remedy that you seek,  
6       Mr. Defendant?

7               MR. BANKS: What remedy do I seek? I seek a  
8       rule.

9               THE COURT: What is that remedy?

10              MR. BANKS: That remedy is that the officer's  
11       testimony cannot be rehabilitated, your Honor, and  
12       to my extent it seems that they did not rehabilitate  
13       the affidavit. It came before the Grand Jury with  
14       new information that was a secret to the Defendant.

15              THE COURT: Miss State, is that a Grand Jury  
16       Indictment of Information?

17              MS. MALLO: Judge, it's a Grand Jury  
18       Indictment. Judge, the bond hearing was held;  
19       perhaps that's what the Defendant is referring to.  
20       The bond hearing was held -- I can only go by my  
21       documents and references since he's not really told  
22       me which documents or evidence that he's alleging  
23       were filed. I have nothing to reference that.

24              MR. BANKS: Your Honor --



1 MS. MALLO: I stand corrected, Judge.

2 THE COURT: I gave you an opportunity to talk.  
3 Let me tell you the rules. You get a chance to  
4 speak. They get a chance to speak. I rule. If you  
5 interrupt me again, I will shackle you.

6 MS. BANKS: Yes, ma'am.

7 THE COURT: I will be courteous and ask you  
8 before I let the State talk, do you want to say  
9 anything else? Do you want to add anything before I  
10 allow the State to speak?

11 MR. BANKS: Yes.

12 THE COURT: When she's talking, I will not let  
13 you interrupt.

14 MR. BANKS: Yes. Sorry.

15 THE COURT: Say anything else you want.

16 MR. BANKS: Basically what I am saying that I  
17 am at a disadvantage because I hadn't had a chance  
18 to get a copy of the discovery. The original people  
19 that -- they gave me a piece of paper. It was only  
20 a copy. They have the original - you know what I'm  
21 saying - of the affidavit.

22 THE COURT: Again, Mr. Defendant, you have no  
23 right to discovery until after the arraignment. You  
24 are complaining about the State's failure to provide

1 you with the discovery at the Preliminary Hearing  
2 where you have no constitutional right to discovery.  
3 You are complaining that you don't have the  
4 discovery.

5 MR. BANKS: I am complaining --

6 THE COURT: It's very suspect. You said the  
7 State denied you discovery.

8 MR. BANKS: Never did say that the State denied  
9 me the discovery.

10 THE COURT: I told you before. You have to  
11 know the rules. You have no discovery rights until  
12 after the arraignment. Now, again I'll ask you one  
13 last time. Is there any other statement that you  
14 wish to make so I could rule and allow the State to  
15 respond?

16 MR. BANKS: Yes, ma'am. I haven't finished  
17 with my objections.

18 THE COURT: Mr. Defendant, you have to file  
19 motions in writing. All right. You're making a  
20 motion and you haven't served the State.

21 MR. BANKS: I am just objecting. I am only  
22 objecting on paper.

23 THE COURT: And are you objecting --

24 MR. BANKS: May I finish?

1 THE COURT: I want you to state to me what  
2 you're objecting to.

3 MR. BANKS: What I am objecting to I am  
4 objecting to the charges that I have been charged  
5 with.

6 THE COURT: File a written motion, Mr.  
7 Defendant.

8 MR. BANKS: Shouldn't I be able to object  
9 orally?

10 THE COURT: No. You're objecting to the form  
11 of the indictment; the ones that I just read, is  
12 that correct?

13 MR. BANKS: Yes.

14 THE COURT: You're asking me to allow you to do  
15 that.

16 MR. BANKS: I am asking you to let me -- allow  
17 you -- allow myself to finish my objection.

18 THE COURT: Mr. Defendant, you want to strike  
19 or dismiss these charges against you?

20 MR. BANKS: No, ma'am.

21 THE COURT: You just want to object on the  
22 record?

23 MR. BANKS: Yes, ma'am.

24 THE COURT: All right. Finish your objection.

1 MR. BANKS: All right. The Defendant objects  
2 to the amended complaint because the Prosecutor  
3 denied --

4 THE COURT: There is no amended complaint.

5 MR. BANKS: The Defendant objects to the  
6 complaint because the Prosecutor at the alleged  
7 probable cause hearing violated the Defendant's  
8 constitutional rights under the 14th Amendment  
9 because the Defendant --

10 THE COURT: How were your rights violated under  
11 the 14th Amendment? That's conclusionary.

12 MR. BANKS: They denied me life, liberty, and  
13 property.

14 THE COURT: How were you denied life, liberty,  
15 and property? That's conclusionary.

16 MR. BANKS: Now I am finished.

17 THE COURT: Mr. Defendant, you made a statement  
18 to me. I am asking you to state to me specifically  
19 how you feel that your rights were violated.

20 MR. BANKS: Because I wasn't able to - you know  
21 what I mean- to confront the accused. I wasn't  
22 able to, you know, confront the accused. I wasn't  
23 able to call witnesses on my behalf.

24 MS. MALLO: If I may. I am not trying to be

1       rude or interrupt.

2               THE COURT: I will let him have his day in  
3       court. Whatever you like to say, Mr. Defendant,  
4       then I will respond to you.

5               MR. BANKS: Because the Defendant was not able  
6       to confront the accused or question his witnesses or  
7       call witnesses that could have set forth the actual  
8       finding of facts. The Defendant states that there  
9       is no evidence which supports the amended charges  
10      which the State upgraded because it has been 13  
11      years since the Defendant's armed robbery and 10  
12      years that have passed since the theft charge.

13              THE COURT: Mr. Defendant, are you indicating  
14      to me that even though there was a complaint for  
15      aggravated battery that the State doesn't have a  
16      right to upgrade the charge. Do you have the  
17      statutory basis for that? Do you have any case law  
18      that you wish to state to me for the record?

19              MR. BANKS: Yes.

20              THE COURT: Then I suggest that you give me the  
21      statutes upon which you're basing that.

22              MR. BANKS: I -- let me finish.

23              THE COURT: No. I would like to have it. You  
24      say it's a violation. I want you to tell me what

1 statutes you're referring to.

2 MR. BANKS: Well --

3 THE COURT: Mr. Defendant, answer my question.  
4 I will conclude this hearing. What statutes?  
5 You're saying they violated the statutes. Tell me  
6 how they violated it and first of all, I want to  
7 know what statutes you're alleging there's a  
8 violation of.

9 MR. BANKS: I never said in there, your Honor,  
10 they violated any statutes. I said they violated my  
11 constitutional rights.

12 THE COURT: The constitution is a statute, Mr.  
13 Defendant. How did they violate it?

14 MR. BANKS: How did they violate my  
15 constitutional rights? They violated it by denying  
16 me life, liberty, and property by due process.

17 THE COURT: That's your basis?

18 MR. BANKS: Yes.

19 THE COURT: Miss State, I will allow you to  
20 respond. He's wasting the Court's time.

21 MS. MALLO: I misspoke before. I apologize to  
22 the Court and to the Defendant. I said there was a  
23 Grand Jury. In fact there was a Preliminary Hearing  
24 held before Judge Adam Bourgeois on the 6th day of

1 November of this year. At that time the Defendant  
2 was represented by Counsel; by an Assistant Public  
3 Defender, and at that time there was  
4 cross-examination, so the Defendant tells you he was  
5 not able to cross-examine the witness. Judge, he  
6 has had that opportunity.

7 THE COURT: Mr. Defendant, there is not a Grand  
8 Jury Proceeding. This is a felony information. If  
9 it was an indictment, it would have read indictment,  
10 and I am referring to the documents that I have in  
11 my hand, so while I listened to your argument and  
12 your reference to the Grand Jury Proceeding, that  
13 did not appear. That's why I am stopping you  
14 because the State did not proceed by way of Grand  
15 Jury Indictment. They proceeded by way of the  
16 filing of a felony information. Just so the record  
17 is very clear, they filed a complaint for an  
18 application; what you're calling an application.  
19 They filed a complaint for a Preliminary Hearing.  
20 At that time Judge Adam Bourgeois made a finding of  
21 probable cause. The State filed a felony  
22 information. That was a probable cause hearing.  
23 You never appeared before the Chief Judge. You were  
24 assigned I assume to a courtroom and you may file

1 your written response that you had started in this  
2 courtroom, and I will allow that to be part of the  
3 record and the record will reflect you're objecting  
4 to this entire proceeding which is what you wished.  
5 All right. The arraignment will proceed today. I  
6 read the Information. I entered a plea of not  
7 guilty on your behalf. The State tendered their  
8 motion for discovery to the Defendant in open court.  
9 Acknowledge receipt of the motion for discovery.  
10 Now, Mr. Defendant, again you represent yourself and  
11 I will be very short. You filed a motion for  
12 discovery. Did you serve the State?

13 MR. BANKS: I haven't.

14 THE COURT: Did you serve the State? You will  
15 not waste the Court's time.

16 MR. BANKS: Yes, ma'am.

17 THE COURT: Did you serve them?

18 MR. BANKS: No, ma'am.

19 THE COURT: How am I going to enforce upon them  
20 a motion that you didn't give them?

21 MR. BANKS: I am giving an oral motion.

22 THE COURT: Mr. Defendant, our rules state that  
23 all motions must be in writing and served on the  
24 other side. Now, if you want me to make them comply



1 with discovery, tender a motion to them and until  
2 you tender it, I am not going to order them to  
3 comply and you're going to allege a violation; a  
4 violation of what? A motion you haven't given them.  
5 Think about it. And again I think that you should  
6 let a lawyer represent you, but I want to make sure  
7 you understand me. You will not waste Judge  
8 Stewart's time anymore and I am not giving you any  
9 more notice about what you need and the seriousness  
10 of these charges and you choose to want to represent  
11 yourself. Now, you want to represent yourself. You  
12 filed a motion with the Court. I have found your  
13 motion to be deficient. I will order them to  
14 comply. They have to have notice. What date?

15 MR. BANKS: How about --

16 THE COURT: January what?

17 MR. BANKS: I would like it before January,  
18 your Honor.

19 THE COURT: Mr. Defendant, my court call is  
20 fully booked for the remaining portion of December.  
21 I suggest that you pick a January date that's open  
22 for you to come or cause to be served upon the State  
23 these motions that you wish them to answer.

24 MR. BANKS: January 3rd, your Honor.

1 MS. MALLO: Judge, that date is actually  
2 horrendous in here.

3 THE COURT: Pick another day.

4 MR. BANKS: January 4th.

5 THE COURT: Is that open, Miss State?

6 MS. MALLO: It is.

7 THE COURT: January 4th. Again, Mr. Defendant,  
8 any motion that you don't properly serve will be  
9 denied by me.

10 MR. BANKS: May I say something?

11 THE COURT: Put your motion in writing, Mr.  
12 Defendant. Have a lovely day.

13 MR. BANKS: Thank you.

14 THE COURT: You do have the right to SOJ me.  
15 If you want a new Judge, you could have an SOJ. I  
16 would grant that.

17 MR. BANKS: That's what I would like.

18 THE COURT: Mr. Public Defender, would you hand  
19 him an SOJ motion. I will be more than happy to  
20 sign that. Let's transfer this matter back to the  
21 Chief Judge of the Criminal Division for him to  
22 reassign this to another Judge. I need to transfer  
23 this to 26th Street. Strike the date of January  
24 4th. It's Motion Defendant. I need a written

1 motion. You can't do anything without a written  
2 motion. File a written motion. Put my name on it.

3 MR. BANKS: Can I get somebody from the jail to  
4 do it.

5 THE COURT: The Sheriff will bring it to you.  
6 I don't think that you're going anywhere. I will  
7 put it on the order and sign the mittimus. They  
8 will get you the motion. Motion Defendant.  
9 Transfer this to the Presiding Judge of the Criminal  
10 Division. Let's see. What date can we get it over  
11 there. Friday the 15th. 12-15-06. Have a lovely  
12 year.

13 MR. ZELENY: Judge, if I may just have the  
14 motion.

15 THE COURT: The law requires that the motion be  
16 tendered to me. I can't grant it without being  
17 tendered a written motion. Hand me the motion when  
18 you're finished, Mr. Defendant.

19 MS. MALLO: Judge, would you like me to file  
20 stamp that?

21 THE COURT: Sure I would. Expeditionously get  
22 the file back over to the Chief Judge. Have a  
23 lovely life, Mr. Defendant.

24 MR. BANKS: All right.

1 THE COURT: I feel better.

2 (WHEREUPON, the matter was  
3 transferred to the Presiding  
4 Judge of the Criminal  
5 Division for Reassignment.)

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1 STATE OF ILLINOIS )  
2 ) SS  
3 COUNTY OF C O O K )  
4

5 I, Jean M. Salerno, Official Shorthand  
6 Reporter of the Circuit Court of Cook County, Fifth  
7 Municipal District, do hereby certify that I  
8 reported in shorthand the proceedings had in the  
9 above-entitled cause and that I thereafter caused  
10 the same to be transcribed into typewriting, which I  
11 certified to be a true and correct transcript of all  
12 the evidence heard.  
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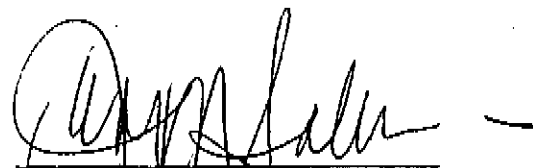
  
\_\_\_\_\_  
Jean M. Salerno  
Official Shorthand Reporter  
Circuit Court of Cook County  
Fifth Municipal District  
Cert. No. 084-002821

Exhibit G



Exhibit (G)

